

REMARKS

I. INTRODUCTION

Claims 1-11 are pending in the present application. Claims 1, 5, 7, 8 and 11 have been amended. In view of the following, it is respectfully submitted that all of the presently pending claims are allowable, and reconsideration is respectfully requested.

Applicant notes with appreciation the acknowledgment of the claim for foreign priority and the acknowledgment that all certified copies of the priority documents have been received. Applicant also thanks the Examiner for accepting the drawings.

II. Rejection of Claims 1-2 and 4-10 under 35 U.S.C. §102(b)

Claims 1-2 and 4-10 were rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 6,484,082 ("Millsap"). Applicant respectfully submits that the anticipation rejection should be withdrawn, for at least the following reasons.

To anticipate a claim under §102(b), each and every element as set forth in the claim must be found in a single prior art reference. Verdegaal Bros. v. Union Oil Co. of Calif., 814 F.2d 628, 631, 2 U.S.P.Q.2d 1051, 1053 (Fed. Cir. 1987). Furthermore, "[t]he identical invention must be shown in as complete detail as is contained in the . . . claim." Richardson v. Suzuki Motor Co., 868 F.2d 1226, 1236, 9 U.S.P.Q.2d 1913, 1920 (Fed. Cir. 1989). That is, the prior art must describe the elements arranged as required by the claims. In re Bond, 910 F.2d 831, 15 U.S.P.Q.2d 1566 (Fed. Cir. 1990). To the extent that the Examiner may be relying on the doctrine of inherent disclosure for the anticipation rejection, the Examiner must provide a "basis in fact and/or technical reasoning to reasonably support the determination that the allegedly inherent characteristics necessarily flow from the teachings of the applied art." (See M.P.E.P. § 2112; emphasis in original; see also Ex parte Levy, 17 U.S.P.Q.2d 1461, 1464 (Bd. Pat. App. & Inter. 1990)).

Amended independent claim 1 recites a "device for waking up **at least one assigned user** of a bus system," which device includes "a detection device for detecting at least one **predefined signal feature of a message** transmitted . . . and for **initiating a further wake-up procedure for the at least one assigned user** once a preselected number

with respect to **the at least one predefined signal feature of the message** has been reached.” Independent claims 5 and 7 have been amended to recite substantially similar limitations as those recited above. Applicant’s claimed invention involves detection device associated with at least one user unit, which detection device detects a characteristic signal feature of a message transmitted on the bus and then initiates a further wake-up procedure for the associated user unit if a pre-selected number with respect to this detected characteristic signal feature in the transmitted message has been reached. In other words, after a particular detection device detects an initial occurrence of the characteristic signal feature in a message transmitted on the bus, that particular detection device determines whether the characteristic signal feature occurs a pre-selected number of times in the same message, in which case a further wake-up functionality is implemented for the particular user associated with the detection device. In this manner, only the particular user that is sought to be awakened needs to be provided with a stand-by power, instead of having to provide stand-by power to all of the users connected to the particular bus, as is required in the conventional arrangements.

Although the Examiner contends that Millsap discloses the feature of initiating a further wake-up procedure once a pre-selected number with respect to the detected signal feature has been reached, the cited sections of Millsap (col. 6, l. 66 – col. 7, l. 2; and col. 7, l. 38-45) actually teaches something completely unrelated to the present claimed invention. The cited sections of Millsap indicate that the wake-up process begins upon receiving a signal request to activate a control task. This request is received by one of the ECU’s, which responds by sending a wake-up signal over the bus to all the other ECU’s connected to the bus, and these other ECU’s (in a low-power quiescent state) respond to the wake-up signal by switching into an active state in which they begin monitoring the bus for messages. Accordingly, **the arrangement described in Millsap is exactly the same as the conventional arrangement described in the “Background Information” section of Applicant’s disclosure**, i.e., all control devices connected to the bus are activated, including those which are not needed for a desired operation, which is a major disadvantage. The cited sections of Millsap teach transmission of **two completely different messages**: a wake-up signal is sent by the master ECU to activate all the other ECU’s connected to the bus; and subsequently, a virtual network message is sent by the master ECU to all the other ECU’s. Accordingly, the arrangement of Millsap is completely different from the Applicant’s claimed arrangement of “detecting at least one **predefined signal feature of a message**

transmitted . . . and . . . **initiating a further wake-up procedure for the at least one assigned user** once a preselected number with respect to **the at least one predefined signal feature of the message** has been reached.” Although Millsap teaches that a countdown timer is started which counts a period of time during which the ECU monitors the bus for a **virtual network message**, this countdown timer has nothing to do with the claimed feature.

For at least the foregoing reasons, claims 1, 5 and 7, as well as their dependent claims 2, 4, 6 and 8-10, are allowable over Millsap.

III. Rejection of Claim 3 under 35 U.S.C. §103(a)

Claim 3 was rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent 6,484,082 ("Millsap") in view of U.S. Patent 6,029,061 ("Kohlschmidt"). It is respectfully submitted that the combination of Millsap and Kohlschmidt does not render unpatentable pending claim 3 for at least the following reasons.

In rejecting a claim under 35 U.S.C. §103(a), the Examiner bears the initial burden of presenting a prima facie case of obviousness. In re Rijckaert, 9 F.3d 1531, 1532, 28 U.S.P.Q.2d 1955, 1956 (Fed. Cir. 1993). To establish prima facie obviousness, three criteria must be satisfied. First, there must be some suggestion or motivation to modify or combine reference teachings. In re Fine, 837 F.2d 1071, 5 U.S.P.Q.2d 1596 (Fed. Cir. 1988). This teaching or suggestion to make the claimed combination must be found in the prior art and not based on the application disclosure. Second, there must be a reasonable expectation of success. In re Merck & Co., Inc., 800 F.2d 1091, 23 U.S.P.Q. 375 (Fed. Cir. 1986). Third, the prior art references must teach or suggest all of the claimed limitations. In re Royka, 490 F.2d 981, 180 U.S.P.Q. 580 (C.C.P.A. 1974).

Claim 3 depends on claim 1. As discussed in connection with parent claim 1, Millsap fails to teach or suggest all of the features of parent claim 1. Furthermore, Kohlschmidt fails to remedy the deficiencies of Millsap as applied against parent claim 1. Therefore, dependent claim 3 is allowable over the combination of Millsap and Kohlschmidt.

IV. Rejection of Claim 11 under 35 U.S.C. §103(a)

Claim 11 was rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent 6,029,061 ("Kohlschmidt") in view of U.S. Patent 6,484,082 ("Millsap") and further in view of U.S. Patent 5,914,796 ("Selin"). It is respectfully submitted that the combination of Kohlschmidt, Millsap and Selin does not render unpatentable pending claim 11 for at least the following reasons.

In rejecting a claim under 35 U.S.C. §103(a), the Examiner bears the initial burden of presenting a prima facie case of obviousness. In re Rijckaert, 9 F.3d 1531, 1532, 28 U.S.P.Q.2d 1955, 1956 (Fed. Cir. 1993). To establish prima facie obviousness, three criteria must be satisfied. First, there must be some suggestion or motivation to modify or combine reference teachings. In re Fine, 837 F.2d 1071, 5 U.S.P.Q.2d 1596 (Fed. Cir. 1988). This teaching or suggestion to make the claimed combination must be found in the prior art and not based on the application disclosure. Second, there must be a reasonable expectation of success. In re Merck & Co., Inc., 800 F.2d 1091, 23 U.S.P.Q. 375 (Fed. Cir. 1986). Third, the prior art references must teach or suggest all of the claimed limitations. In re Royka, 490 F.2d 981, 180 U.S.P.Q. 580 (C.C.P.A. 1974).


Initially, Applicant notes that the Examiner does not address the teachings of Kohlschmidt in connection with the rejection of claim 11; instead, the Examiner only discusses the teachings of Millsap and Selin. In any case, claim 11 depends on claim 7. As discussed in connection with parent claim 7, Millsap fails to teach or suggest all of the features of parent claim 7. Furthermore, Kohlschmidt and Selin fail to remedy the deficiencies of Millsap as applied against parent claim 7. Therefore, dependent claim 11 is allowable over the combination of Millsap, Kohlschmidt and Selin.

Conclusion

In light of the foregoing, Applicant respectfully submits that all of the pending claims 1-11 are in condition for allowance. Prompt reconsideration and allowance of the present application are therefore respectfully requested.

Respectfully submitted,

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